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5 UNITED STATES DISTRICT COURT

6 DISTRICT OF NEVADA

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8 LAURA BADILLO CAMACHO,

9 Petitioner,

Case No. 2:12-cv-01834-MMD-CWH

10 v. ORDER

11 STATE OF NEVADA,

12 Respondent.

13 Petitioner Laura Badillo Camacho has filed a *pro se* petition for writ of habeas
14 corpus, pursuant to 28 U.S.C. § 2254 (dkt. no. 1). Petitioner's application to proceed *in*
15 *forma pauperis* is incomplete, as it does not contain a financial certificate completed by
16 an authorized prison officer. The application must therefore be denied. Petitioner will
17 be granted thirty (30) days to either pay the \$5.00 filing fee or submit a new, fully
18 completed application to proceed *in forma pauperis*.

19 Second, petitioner has named the State of Nevada and the Attorney General of
20 the State of Nevada as respondents on the face of her petition. However, a petitioner
21 must name the state officer who has custody of him or her as the respondent in a
22 federal habeas petition. Rule 2(a), Rules Governing Section 2254 Proceedings;
23 *Stanley v. California Supreme Court*, 21 F.3d 359, 360 (9th Cir.1994). This person
24 typically is the warden of the facility in which the petitioner is incarcerated. "Failure to
25 name the petitioner's custodian as a respondent deprives federal courts of personal
26 jurisdiction." *Stanley*, 21 F.3d at 360. If petitioner fails to name the proper respondent
27 in his or her petition, the court may allow petitioner to amend the petition to name the
28 correct respondent. See *id.* As such, petitioner will also be granted thirty days to file

1 amended caption page, naming the proper respondent, who is the state officer who
2 currently has custody over petitioner.

3 IT IS THEREFORE ORDERED that petitioner's application for leave to proceed
4 *in forma pauperis* (dkt. no. 1) is DENIED.

5 IT IS FURTHER ORDERED that petitioner shall have thirty (30) days from the
6 date this order is entered to either (1) pay the \$5.00 filing fee or (2) submit a fully
7 completed application to proceed *in forma pauperis*, including a financial certificate
8 signed by an authorized prison officer showing the status of petitioner's prison account.
9 Failure to take one of these actions within the time allowed may result in dismissal of
10 this action.

11 IT IS FURTHER ORDERED that the Clerk shall SEND to petitioner the approved
12 form for an application to proceed *in forma pauperis*.

13 IT IS FURTHER ORDERED that the Clerk shall SEND to petitioner two copies of
14 this order. If petitioner wishes to pay the five dollar (\$5) filing fee (the first option,
15 above), petitioner must make the necessary arrangements to have one copy of this
16 order, along with a check in the amount of the full \$5 filing fee, sent to the court, by
17 sending a copy of the order with a "brass slip" to Inmate Services for issuance of the
18 check.

19 IT IS FURTHER ORDERED that the Clerk shall retain the petition for a writ of
20 habeas corpus but shall not file it at this time.

21 IT IS FURTHER ORDERED that petitioner has thirty (30) days from the date of
22 entry of this order to file an amended caption page that names the proper respondent.
23 Petitioner is expressly cautioned that failure to do so may result in the dismissal of the
24 petition.

25 DATED THIS 2nd day of November 2012.

26 
27 MIRANDA M. DU
28 UNITED STATES DISTRICT JUDGE